

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ENRIQUE STEVEN ABARCA,

Defendant.

4:21-CR-3054

ORDER

The defendant has filed a motion to vacate under [28 U.S.C. § 2255](#) ([filing 116](#)). Pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts, the Court must conduct an initial review of the defendant's motion. The defendant has asked to extend the timeline for that initial review. [Filing 117](#).

Specifically, he's asked for an extra 45 days in which to file a memorandum in support of his motion. [Filing 117](#). He has also assured the Court that his memorandum will *not* be used to assert new claims or theories of relief not found in his motion. [Filing 117 at 2](#); see *Dodd v. United States*, 614 F.3d 512, 515 (8th Cir. 2010). On that basis, the Court will grant the defendant's motion.

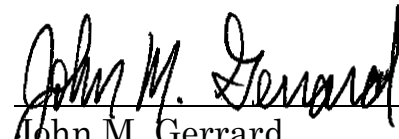
IT IS ORDERED:

1. The defendant's motion to extend ([filing 117](#)) is granted.
2. The defendant's motion to vacate ([filing 116](#)) will be held in abeyance pending submission of the defendant's memorandum in support.

3. The defendant may submit his memorandum in support on or before September 9, 2024.
4. The Clerk of the Court shall set a case management deadline for September 9, 2024, with the following docket text: Check for memorandum in support of § 2255 motion.

Dated this 24th day of July, 2024.

BY THE COURT:



John M. Gerrard
Senior United States District Judge